

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Etta Conover, Roger Dennis, Tiera Barham

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Marc F. Greenfield, Esq.  
Spear, Greenfield & Richman, PC

**DEFENDANTS**

James Scott, Simone Guy, Commissioner Charles Ramsey,  
Officer Crystal Harris, Officer Charles Marable, John Doe

County of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

Mark V. Maguire, Esq., City of Philadelphia Law Department,  
1515 Arch Street, 14th Floor, Philadelphia, PA 19102

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Sec 1983

Brief description of cause:

Civil Rights violation under 42 U.S.C. Sec 1983

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/04/2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar

Address of Plaintiff: 5022 Osage Avenue, Philadelphia, PA 19142, 6725 Guyer Street, Philadelphia, PA 19142, 1541 North 23<sup>rd</sup> Street, Philadelphia, PA

Address of Defendant: City of Philadelphia Law Department, 1515 Arch Street, 14<sup>th</sup> Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Cumberland Street and Bouvier Street, Philadelphia, PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?  
RELATED CASE IF ANY: Yes ☐ No ☐

Case Number \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐

CIVIL: (Place in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All
2. FEELA
3. Jones Act – Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. ☒ Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All Other Federal Questions Cases (Please specify)

## B. Diversity Jurisdiction Cases:

- |   |   |
|---|---|
| Other Contracts                           | 1. Insurance Contract and Other Contracts |
| 2. Airplane Personal Injury               |   |
| 3. Assault, Defamation                    |   |
| 4. Marine Personal Injury                 |   |
| 5. Motor Vehicle personal Injury          |   |
| 6. Other Personal Injury (Please specify) |   |
| 7. Products Liability                     |   |
| 8. Products liability - Asbestos          |   |
| 9. All other Diversity Cases              |   |
| (Please specify)                          |   |

## ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Mark Maguire, counsel of record do hereby certify:

Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.

☒ Pursuant to Local Civil Rule 53.2, Section 3(e)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

☐ Relief other than monetary damages is sought

DATE: 6/3/14

Mark Maguire, Esquire  
Attorney-at-Law

94242  
Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/3/14

Mark Maguire, Esquire  
Attorney-at-Law

94242  
Attorney I.D. #

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

ETTA CONOVER	:	
5022 Osage Avenue	:	
Philadelphia, PA 19142	:	COURT OF COMMON PLEASE
&	:	COUNTY OF PHILADELPHIA
ROGER DENNIS	:	
6725 Guyer Avenue	:	
Philadelphia, PA 19142	:	
&	:	CIVIL TRIAL DIVISION
TIERA BARHAM	:	
1541 North 23 <sup>rd</sup> Street	:	
Philadelphia, 19121	:	
	:	
v.	:	
	:	NO: _____
	:	
JAMES SCOTT a/k/a MARK SCOTT	:	
6014 Jefferson Street	:	Formerly
Philadelphia, PA 19151	:	
&	:	
SIMONE GUY	:	Court of Common Pleas
1437 North Felton Street	:	Philadelphia County
Philadelphia, PA 19151	:	
&	:	May Term 2014
COMMISSIONER CHARLES H. RAMSEY	:	No. 2464
c/o PHILADELPHIA POLICE DEPARTMENT	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CRYSTAL HARRIS, Badge #6257	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CHARLES MARABLE, Badge #2013	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
JOHN DOE #1-5	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
&	:	
OFFICER CRYSTAL HARRIS, Badge #6257	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	

**CONTINUED**

c/o PHILADELPHIA POLICE DEPARTMENT :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 & :  
 JOHN DOE #1-5 :  
 c/o PHILADELPHIA POLICE DEPARTMENT :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 & :  
 CITY OF PHILADELPHIA :  
 1515 Arch Street, 14<sup>th</sup> Floor :  
 Philadelphia, PA 19102 :  
 & :  
 PHILADELPHIA POLICE DEPARTMENT :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 :

---

**CASE MANAGEMENT TRACK DESIGNATION FORM**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through § 2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

6/3/14  
 Date Mark Maguire, Esq. Defendants  
 Attorney for  
 (215) 683-5439 (215) 683-5397 mark.maguire@a.phila.gov  
 Telephone FAX Number E-mail Address

(Civ 660) 10/02

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

---

ETTA CONOVER	:	
5022 Osage Avenue	:	
Philadelphia, PA 19142	:	COURT OF COMMON PLEAS
&	:	COUNTY OF PHILADELPHIA
ROGER DENNIS	:	
6725 Guyer Avenue	:	
Philadelphia, PA 19142	:	
&	:	CIVIL TRIAL DIVISION
TIERA BARHAM	:	
1541 North 23 <sup>rd</sup> Street	:	
Philadelphia, 19121	:	
	:	
v.	:	
	:	NO: _____
	:	
JAMES SCOTT a/k/a MARK SCOTT	:	
6014 Jefferson Street	:	Formerly
Philadelphia, PA 19151	:	
&	:	
SIMONE GUY	:	Court of Common Pleas
1437 North Felton Street	:	Philadelphia County
Philadelphia, PA 19151	:	
&	:	May Term 2014
COMMISSIONER CHARLES H. RAMSEY	:	No. 2464
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CRYSTAL HARRIS, Badge #6257	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CHARLES MARABLE, Badge #2013	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	

CONTINUED

JOHN DOE #1-5 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
: :  
OFFICER CRYSTAL HARRIS, Badge #6257 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
& :  
OFFICER CHARLES MARABLE, Badge #2013 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
& :  
JOHN DOE #1-5 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
& :  
CITY OF PHILADELPHIA :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :  
& :  
PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
:

---

**NOTICE OF REMOVAL**

**To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.**

Pursuant to 28 U.S.C. § 1441, defendants, Police Commissioner Charles Ramsey, Police Officer Charles Marable, Police Officer Crystal Harris, and the City of Philadelphia, (hereinafter “petitioners”) through their counsel, Mark Maguire Divisional Deputy City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In May, 2014, plaintiffs initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, May Term, 2014; No. 2464. (Exhibit A - Complaint).

2. On May 22, 2014 said Complaint was served on Petitioners at 1515 Arch Street, 14th

Floor, Philadelphia, Pennsylvania.

3. Plaintiffs allege that on or about December 15, 2012 they sustained damages when their civil rights were violated by the defendants. (Exhibit A ).

4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

**Wherefore**, petitioners, Police Commissioner Charles Ramsey, Police Officer Charles Marable, Police Officer Crystal Harris and City of Philadelphia, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig M. Straw  
Chief Deputy City Solicitor

**MARK V. MAGUIRE**  
**Divisional Deputy City Solicitor**  
**Attorney I.D. No. 94242**  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5439

Date: 6/9/14



IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

---

ETTA CONOVER	:	
5022 Osage Avenue	:	COURT OF COMMON PLEAS
Philadelphia, PA 19142	:	COUNTY OF PHILADELPHIA
&	:	
ROGER DENNIS	:	
6725 Guyer Avenue	:	
Philadelphia, PA 19142	:	
&	:	CIVIL TRIAL DIVISION
TIERA BARHAM	:	
1541 North 23 <sup>rd</sup> Street	:	
Philadelphia, 19121	:	
	:	
v.	:	
	:	NO: _____
	:	
JAMES SCOTT a/k/a MARK SCOTT	:	
6014 Jefferson Street	:	Formerly
Philadelphia, PA 19151	:	
&	:	
SIMONE GUY	:	Court of Common Pleas
1437 North Felton Street	:	Philadelphia County
Philadelphia, PA 19151	:	
&	:	May Term 2014
COMMISSIONER CHARLES H. RAMSEY	:	No. 2464
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CRYSTAL HARRIS, Badge #6257	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CHARLES MARABLE, Badge #2013:	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	

CONTINUED

**JOHN DOE #1-5** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
**750 Race Street** :  
:   
**OFFICER CRYSTAL HARRIS, Badge #6257** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
**750 Race Street** :  
**Philadelphia, PA 19106** :  
**&** :  
**OFFICER CHARLES MARABLE, Badge #2013:** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
**750 Race Street** :  
**Philadelphia, PA 19106** :  
**&** :  
**JOHN DOE #1-5** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
**750 Race Street** :  
**Philadelphia, PA 19106** :  
**&** :  
**CITY OF PHILADELPHIA** :  
**1515 Arch Street, 14<sup>th</sup> Floor** :  
**Philadelphia, PA 19102** :  
**&** :  
**PHILADELPHIA POLICE DEPARTMENT** :  
**750 Race Street** :  
**Philadelphia, PA 19106** :  
:

---

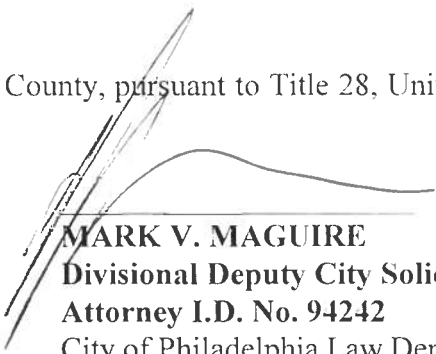
**NOTICE OF FILING OF REMOVAL**

TO: Marc F. Greenfield, Esquire  
SPEAR GREENFIELD & RICHMAN, P.C.  
230 S. Broad Street, Suite 1800  
Philadelphia, PA 19102

PLEASE TAKE NOTICE THAT on June 6, 2014, defendants, Police Commissioner Charles Ramsey, Police Officer Charles Marable, Police Officer Crystal Harris and City of Philadelphia filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk

of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



**MARK V. MAGUIRE**

**Divisional Deputy City Solicitor**

**Attorney I.D. No. 94242**

City of Philadelphia Law Department

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5439

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

---

ETTA CONOVER	:	
5022 Osage Avenue	:	COURT OF COMMON PLEASE
Philadelphia, PA 19142	:	COUNTY OF PHILADELPHIA
&	:	
ROGER DENNIS	:	
6725 Guyer Avenue	:	
Philadelphia, PA 19142	:	
&	:	CIVIL TRIAL DIVISION
TIERA BARHAM	:	
1541 North 23 <sup>rd</sup> Street	:	
Philadelphia, 19121	:	
	:	
v.	:	
	:	NO: _____
	:	
JAMES SCOTT a/k/a MARK SCOTT	:	
6014 Jefferson Street	:	Formerly
Philadelphia, PA 19151	:	
&	:	
SIMONE GUY	:	Court of Common Pleas
1437 North Felton Street	:	Philadelphia County
Philadelphia, PA 19151	:	
&	:	May Term 2014
COMMISSIONER CHARLES H. RAMSEY	:	No. 2464
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CRYSTAL HARRIS, Badge #6257	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	
&	:	
OFFICER CHARLES MARABLE, Badge #2013:	:	
c/o PHILADELPHIA POLICE DEPARTMENT	:	
750 Race Street	:	
Philadelphia, PA 19106	:	

CONTINUED


JOHN DOE #1-5 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
:  
OFFICER CRYSTAL HARRIS, Badge #6257 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
& :  
OFFICER CHARLES MARABLE, Badge #2013: :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
& :  
JOHN DOE #1-5 :  
c/o PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
& :  
CITY OF PHILADELPHIA :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :  
& :  
PHILADELPHIA POLICE DEPARTMENT :  
750 Race Street :  
Philadelphia, PA 19106 :  
:

---

**CERTIFICATE OF SERVICE**

I, Mark V. Maguire, Divisional Deputy City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Marc F. Greenfield, Esquire  
SPEAR GREENFIELD & RICHMAN, P.C.  
230 S. Broad Street, Suite 1800  
Philadelphia, PA 19102

  
MARK V. MAGUIRE  
Divisional Deputy City Solicitor  
Attorney ID No. 94242

Date:

6/1/14

City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5439

Exhibit “A”

NOT

BON

**SPEAR, GREENFIELD & RICHMAN, P.C.**  
 BY: MARC F. GREENFIELD, ESQUIRE  
 I.D. NO.: 62081  
 230 S. Broad Street, Suite 1800  
 Philadelphia, PA 19102  
 (215) 985-2424

MAJOR JURY

Filed and Attested by  
 PROTHONOTARY  
 20 MAY 2014 11:10 pm  
 K. EDWARDS

Attorney for plaintiff

**ETTA CONOVER**  
 5022 Osage Avenue  
 Philadelphia, PA 19142  
 &

**ROGER DENNIS**  
 6725 Guyer Avenue  
 Philadelphia, PA 19142  
 &

**TIERA BARHAM**  
 1541 North 23<sup>rd</sup> Street  
 Philadelphia, PA 19121

v.

**JAMES SCOTT a/k/a MARK SCOTT**  
 6014 Jefferson Street  
 Philadelphia, PA 19151  
 &

**SIMONE GUY**  
 1437 North Felton Street  
 Philadelphia, PA 19151  
 &

CONTINUED

COURT OF COMMON PLEAS  
 COUNTY OF PHILADELPHIA

CIVIL TRIAL DIVISION

## COMPLAINT IN PERSONAL INJURY 2V MOTOR VEHICLE ACCIDENT

## NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL and INFORMATION SERVICE  
 One Reading Center  
 Philadelphia, Pennsylvania 19107  
 (215) 238-6333  
 TTY: (215) 451-6197

## ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL:

ASOCIACION DE LICENCIADOS DE FILADELFA  
 SERVICIO DE REFERENCIA E INFORMACION LEGAL  
 One Reading Center  
 Filadelfia, Pennsylvania 19107  
 Teléfono: (215) 238-6333  
 TTY: (215) 451-6197



**COMMISSIONER CHARLES H. RAMSEY** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 & :  
**OFFICER CRYSTAL HARRIS, Badge #6257** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 & :  
**OFFICER CHARLES MARABLE, Badge #2013** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 & :  
**JOHN DOE #1-5** :  
**c/o PHILADELPHIA POLICE DEPARTMENT** :  
 750 Race Street :  
 Philadelphia, PA 19106 :  
 & :  
**CITY OF PHILADELPHIA** :  
 1515 Arch Street, 14th Floor :  
 Philadelphia, PA 19102 :  
 & :  
**PHILADELPHIA POLICE DEPARTMENT** :  
 750 Race Street :  
 Philadelphia, PA 19106 :

OK

**COMPLAINT IN PERSONAL INJURY**  
**2V MOTOR VEHICLE ACCIDENT**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL and INFORMATION SERVICE  
 One Reading Center  
 Philadelphia, Pennsylvania 19107  
 (215) 238-6333  
 TTY: (215) 451-6197

**ADVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLERVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL:

ASOCIACION DE LICENCIADOS DE FILADELFA  
 SERVICIO DE REFENCIA E INFORMACION LEGAL  
 One Reading Center  
 Filadelfia, Pennsylvania 19107  
 Teléfono: (215) 238-6333  
 TTY: (215) 451-6197

**COMPLAINT IN PERSONAL INJURY**  
**2V MOTOR VEHICLE ACCIDENT**

1. Plaintiff, Roger Dennis, is a citizen and resident of the Commonwealth of Pennsylvania, residing at the address listed in the caption of this Complaint.

2. Plaintiff, Etta Conover, is a citizen and resident of the Commonwealth of Pennsylvania, residing at the address listed in the caption of this Complaint.

3. Plaintiff, Tiera Barham , is a citizen and resident of the Commonwealth of Pennsylvania, residing at the address listed in the caption of this Complaint.

4. Defendant, James Scott a/k/a Mark Scott (hereinafter referred to as James Scott), is a citizen and resident of the Commonwealth of Pennsylvania, with an address listed in the caption of this Complaint, who at all times material hereto was acting individually and/or as a lessee, agent, servant, workman, and/or employee of defendant, Simone Guy, with defendant, Simone Guy's, express, apparent and/or implied permission, authorization, and/or consent.

5. Defendant, Simone Guy, is a citizen and resident of the Commonwealth of Pennsylvania, with an address listed in the caption of this Complaint, who at all times material hereto was acting individually and/or by and through all lessess, agents, servants, workmen, and/or employees, including defendant, James Scott.

6. Defendant, Commissioner Charles H. Ramsey (hereinafter referred to as "Commissioner Ramsey") is an adult individual, who is a sworn member of the City of Philadelphia and, in conjunction with the City of Philadelphia either was or should have been responsible for the formulation and/or implementation of practices, policies, procedures, discipline, and assignments of officers, as well as the day-to-day operation and oversight, including command and control, of all segments of the Philadelphia Police Department.

7. At all times relevant hereto, Commissioner Ramsey was acting within the scope of his duties and authority, under the color or title of State or Municipal Public Law or Ordinance, and supervised or controlled one or more of the other Defendants herein in their conduct or actions, or acted in concert with them in the performance of their conduct or actions or acted independently.

8. Defendant, City of Philadelphia, is a political subdivision of the Commonwealth of Pennsylvania, with an address listed in the caption of this Complaint, which was empowered to establish, regulate, and control its Police Department for the enforcement of laws and ordinances within its jurisdiction, and for purposes of protecting and preserving the persons, property, and Constitutional right of individuals within the geographical and legal jurisdiction. The defendant, who at all times material hereto, was acting individually and/or by and through all lessees, agents, servants, workmen, and/or employees, including defendants: Officer Crystal Harris, Badge #6257; Officer Charles Marable, Badge #2013; and John Doe #1-5.

9. Defendant, Officer Crystal Harris, Badge #6257 (hereinafter referred to as “Officer Crystal Harris”), is an adult individual who at all times relevant hereto, was serving in his capacity as sworn Police Officer of the Philadelphia Police Department, and was entrusted with the powers to enforce the laws of the Commonwealth and the City of Philadelphia.

10. At all times relevant hereto, Defendant, Officer Crystal Harris, was entrusted to protect the Constitutional rights of those he encountered, under the color or title of State or Municipal Public Law or Ordinance, and supervised or controlled one or more of the other Defendants herein in their conduct or actions, or acted in concert with them in the performance of their conduct or actions, or acted independently and/or operated defendant’s police vehicle under the supervision and/or control, while in the scope and/or course of his employment with defendant, the City of Philadelphia.

11. Defendant, Officer Charles Marable, Badge #2013 (Hereinafter referred to as “Officer Charles Marable”), is an adult individual who at all times relevant hereto, was serving in his capacity as sworn Police Officer of the Philadelphia Police Department, and was entrusted with the powers to enforce the laws of the Commonwealth and the City of Philadelphia.

12. At all times relevant hereto, Defendant, Officer Charles Marable, was entrusted to protect the Constitutional rights of those he encountered, and at all times relevant hereto was acting within the scope of his duties and authority, under the color or title of State or Municipal Public Law or Ordinance, and supervised or controlled one of more of the other Defendants herein in their conduct or actions, or acted in concert with them in the performance of their conduct or actions, or acted independently and/or operated defendant’s police vehicle under the supervision and/or control, while in the scope and/or course of his employment with defendant, the City of Philadelphia.

13. Defendants, John Doe 1-5, who are unknown at this time, are adult individuals who at all times relevant hereto, were serving in their capacity as sworn Police Officers of the Philadelphia Police Department, and were entrusted with the powers to enforce the laws of the Commonwealth and the City of Philadelphia.

14. Defendants, John Doe 1-5, were entrusted to protect the Constitutional rights of those they encountered, and at all times relevant hereto were acting under the authority and color of law, and acted in concert with one or more of the other individual Defendants in the performance of conduct of their duties or actions, or acted independently.

15. Defendant, Philadelphia Police Department, is a governmental agency within the Commonwealth of Pennsylvania and the City of Philadelphia empowered to establish, regulate, and control its Police Officers for the enforcement of laws and ordinances within its jurisdiction, and for purposes of protecting and preserving the persons, property, and Constitutional rights of individuals within the geographical and legal jurisdiction of the Defendant, City of Philadelphia.

16. On or about December 15, 2012, plaintiffs, Etta Conover and Tiera Barham, were passengers in a motor vehicle owned and operated by plaintiff, Roger Dennis, at or near Cumberland Street and Bouvier Street, in the City and County of Philadelphia, in the Commonwealth of Pennsylvania.

17. At the same date and time, defendant, James Scott, suspected of a criminal violation, was fleeing the police in a motor vehicle owned by defendant, Simone Guy, at or near Cumberland Street and Bouvier Street, in the City and County of Philadelphia, in the Commonwealth of Pennsylvania.

18. At the same date and time, defendant, Officer Crystal Harris, or defendant, Officer Charles Marable, Philadelphia police officers, operated a motor vehicle owned by defendant, City of Philadelphia, and engaged in a negligent, careless, and/or reckless car pursuit of defendant, James Scott, at or near Cumberland Street and Bouvier Street, in the City and County of Philadelphia, in the Commonwealth of Pennsylvania.

19. In the alternative, at the same date and time, defendants, John Doe 1-5, Philadelphia police officers, operated a motor vehicle owned by Defendant, City of Philadelphia, and engaged in a negligent, careless, and/or reckless car pursuit of defendant, James Scott, at or near Cumberland Street and Bouvier Street, in the City and County of Philadelphia, in the Commonwealth of Pennsylvania.

20. Suddenly and without warning, defendant, James Scott, negligently, carelessly, recklessly, and with deliberate indifference operated defendant, Simone Guy's, motor vehicle in such a manner as to intentionally strike the plaintiff's vehicle multiple times.

21. Additionally, defendants; Officer Crystal Harris, Officer Charles Marable, or John Doe 1-5; negligently, carelessly, recklessly and/or with deliberate indifference operated defendant, City of Philadelphia's, motor vehicle in such a manner as to provoke the defendant, James Scott, to strike the plaintiffs' vehicle multiple times, while in pursuit of defendant, James Scott.

22. As a result of this accident, plaintiffs suffered severe and permanent bodily injury as more fully set forth below.

**COUNT I**  
**Roger Dennis v. James Scott**  
**Personal Injury**

23. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

24. The negligence, carelessness, and/or recklessness of defendant consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking plaintiff;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;

- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Intentionally striking plaintiff multiple times;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or to maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;
- r. Failing to stop defendant's vehicle, when ordered to do so by Philadelphia police officers;
- s. Intentionally fleeing, at a high speed, from Philadelphia police officers, while being pursued;
- t. Assaulting the plaintiff with a motor vehicle, with complete disregard for the safety and well-being of the plaintiff; and
- u. In other respects that may be pointed out at time of trial.

25. As a direct result of the negligent, careless, and/or reckless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function, and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

26. As a result of these injuries, all of which are permanent in nature, and all of which are to the plaintiff's great financial detriment and loss, the plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

27. As an additional result of the carelessness, negligence, and/or recklessness of defendant, plaintiff has suffered emotional injuries, along with the physical injuries suffered.

28. As a further result of the plaintiff's injuries, plaintiff has in the past, is presently, and may in the future, undergo a great loss of earnings and/or earning capacity, all to the plaintiff's further loss and detriment.

29. Furthermore, in addition to all the injuries and losses suffered by the plaintiff, plaintiff has also incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits pursuant to Act 57, for which plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.



**COUNT II**  
**Roger Dennis v. James Scott**  
**Property Damage**

30. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

31. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT III**  
**Roger Dennis v. Simone Guy**  
**Personal Injury**

32. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

33. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking plaintiff;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstance;

- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Intentionally striking plaintiff multiple times;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or to maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;
- r. Failing to stop defendant's vehicle, when ordered to do so by Philadelphia police officers;

- s. Intentionally fleeing, at a high speed, from Philadelphia police officers, while being pursued;
- t. Assaulting the plaintiff with a motor vehicle, with complete disregard for the safety and well-being of the plaintiff; and
- u. In other respects that may be pointed out at time of trial.

34. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the motor vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to determine whether defendant driver possessed a valid license or other requirements to drive and/or operate a motor vehicle;
- d. Failure to inspect defendant driver's prior history of bad driving;
- e. Failing to instruct defendant driver in the proper method of operating a motor vehicle;
- f. Failing to properly instruct the defendant driver on how to properly operate his motor vehicle and its warning apparatus in an emergency situation;
- g. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver were operating the motor vehicle at the aforesaid time and place as herein before described;
- h. Failing to maintain said vehicle in a safe condition; and,
- i. Allowing this dangerous, unsafe and defective motor vehicle to be operated on a public highway.

35. As a direct result of the negligent, careless, and/or reckless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function, and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

36. As a result of these injuries, all of which are permanent in nature, and all of which are to the plaintiff's great financial detriment and loss, the plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

37. As an additional result of the carelessness, negligence, and/or recklessness of defendant, plaintiff has suffered emotional injuries, along with the physical injuries suffered.

38. As a further result of the plaintiff's injuries, plaintiff has in the past, is presently, and may in the future, undergo a great loss of earnings and/or earning capacity, all to the plaintiff's further loss and detriment.

39. Furthermore, in addition to all the injuries and losses suffered by the plaintiff, plaintiff has also incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits pursuant to Act 57, for which plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT IV**  
**Roger Dennis v. Simone Guy**  
**Property Damage**

40. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

41. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT V**  
**Roger Dennis v. Commissioner Ramsey**  
**Personal Injury**

42. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

43. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;

- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

44. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

45. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to plaintiff's great loss and detriment.

46. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

47. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

48. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

49. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.



**COUNT VI**  
**Roger Dennis v. Commissioner Ramsey**  
**Property Damage**

50. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

51. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT VII**  
**Roger Dennis v. City of Philadelphia**  
**Personal Injury**

52. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

53. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;

- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;

- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

54. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

55. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to plaintiff's great loss and detriment.

56. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

57. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

58. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

59. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT VIII**  
**Roger Dennis v. City of Philadelphia**  
**Property Damage**

60. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

61. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT IX**  
**Roger Dennis v. Officer Crystal Harris**  
**Personal Injury**

62. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

63. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;

- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

64. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

65. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to plaintiff's great loss and detriment.

66. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

67. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

68. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

69. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.



**COUNT X**  
**Roger Dennis v. Officer Crystal Harris**  
**Property Damage**

70. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

71. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XI**  
**Roger Dennis v. Officer Charles Marable**  
**Personal Injury**

72. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

73. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;

- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

74. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

75. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to plaintiff's great loss and detriment.

76. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

77. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

78. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

79. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XII**  
**Roger Dennis v. Officer Charles Marable**  
**Property Damage**

80. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

81. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XIII**  
**Roger Dennis v. Philadelphia Police Department**  
**Personal Injury**

82. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

83. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;

- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

84. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

85. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to plaintiff's great loss and detriment.

86. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

87. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

88. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

89. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.



**COUNT XIV**  
**Roger Dennis v. Philadelphia Police Department**  
**Property Damage**

90. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

91. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XV**  
**Roger Dennis v. John Doe 1-5**  
**Personal Injury**

92. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

93. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;

- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

94. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

95. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: punctured lung; fractured ribs; fractured left clavicle; left shoulder sprain and strain; lumbar spine sprain and strain; cervical spine sprain and strain; and any other ills and injuries all to plaintiff's great loss and detriment.

96. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

97. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

98. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

99. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XVI**  
**Roger Dennis v. John Doe 1-5**  
**Property Damage**

100. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

101. As a result of defendant's negligence, carelessness, and/or recklessness as aforesaid, plaintiff suffered property damage to plaintiff's vehicle and other related damages.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XVII**  
**Roger Dennis v.**  
**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable, City of Philadelphia, and City of Philadelphia Police Department**  
**Section 1983**

102. While acting under the color of State Law, the defendants deprived the Plaintiff of various Federal and Constitutional Rights.

103. Plaintiff claims damages for the injuries set forth herein under 42 U.S.C. § 1983 against all defendants for violation of Plaintiff's Constitutional rights under Color of Law.

104. Defendants' failed to train, supervise and discipline its officers for violations of Directive 45.

105. Directive 45 was deliberately indifferent to the safety of the public causing unconstitutional harm to plaintiff.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XVIII**

**Roger Dennis v.**

**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable, City of Philadelphia, and City of Philadelphia Police Department**  
**Section 1983 - Substantive Due Process**

106. Defendant Officers' conduct, jointly and/or severally, was willful, reckless, grossly negligent in violation of the Constitution and deliberately indifferent to the life and safety of Plaintiff and/or shocking to the conscience.

107. Defendants' conduct constitutes a violation of the State and United States Constitution, and specifically to Plaintiff's right to personal security, to life, and liberty, and to be free from arbitrary government action which demonstrates a deliberate indifference to Plaintiff's life which shocks the conscience.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary

**COUNT XIX**

**Roger Dennis v.**

**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable, City of Philadelphia, and City of Philadelphia Police Department**  
**Section 1983 - Supervisory Liability**

108. One or more of the Supervisory Defendants acted in a supervisory capacity, under circumstances and at a time when one or more of the Subordinate Defendants violated the Plaintiff's rights as set forth herein.

109. In that regard, the Supervisory Defendants, now known and unknown, either directed conduct which resulted in the violation of Plaintiff's Federal and State Rights as alleged, or had actual knowledge of the subordinates violation of Plaintiff's rights and acquiesced in said violations, or, with a deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused the violation of Plaintiff's rights or had a policy of maintaining no policy or regulations where same were clearly needed.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XX**  
**Roger Dennis v. City of Philadelphia**  
**Section 1983 - Municipal/City Liability**

110. Prior to December 15, 2012, Defendant, City of Philadelphia, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

111. It was also the policy and/or custom of Defendant, City of Philadelphia, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

112. The Defendant, City of Philadelphia, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

113. The Defendant, City of Philadelphia, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

114. As a result of the above described policies, customs and failure to adopt necessary and appropriate policies, police officers in the Defendant City of Philadelphia, including Defendants, believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXI**  
**Roger Dennis v. Philadelphia Police Department**  
**Section 1983 - Municipal/City Liability**

115. Prior to December 15, 2012, Defendant, Philadelphia Police Department, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

116. It was also the policy and/or custom of Defendant, Philadelphia Police Department, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

117. The Defendant, Philadelphia Police Department, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

118. The Defendant, Philadelphia Police Department, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

119. As a result of the above described policies and customs and failure to adopt necessary and appropriate policies, police officers in the Defendant, Philadelphia Police Department, including Defendants believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.



120. Defendants failed to adopt an appropriate enforcement policy for Directive 45 causing Plaintiff's injuries to occur.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXII**

**Roger Dennis v. Commissioner Charles Ramsey**  
**Section 1983 - Municipal/City Liability**

121. Prior to December 15, 2012, Defendant, Commissioner Charles Ramsey, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

122. It was also the policy and/or custom of Defendant, Philadelphia Police Department, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

123. The Defendant, Philadelphia Police Department, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

124.. The Defendant, Philadelphia Police Department, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

125. As a result of the above described policies and customs and failure to adopt necessary and appropriate policies, police officers in the Defendant, Philadelphia Police Department, including Defendants believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

126. Defendants failed to adopt an appropriate enforcement policy for Directive 45 causing Plaintiff's injuries to occur.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXIII**  
**Etta Conover v. James Scott**  
**Personal Injury**

127. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

128. The negligence, carelessness, and/or recklessness of defendant consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking plaintiff;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;

- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Intentionally striking plaintiff multiple times;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or to maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;
- r. Failing to stop defendant's vehicle, when ordered to do so by Philadelphia police officers;
- s. Intentionally fleeing, at a high speed, from Philadelphia police officers, while being pursued;

- t. Assaulting the plaintiff with a motor vehicle, with complete disregard for the safety and well-being of the plaintiff; and
- u. In other respects that may be pointed out at time of trial.

129. As a direct result of the negligent, careless, and/or reckless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function, and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicalgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

130. As a result of these injuries, all of which are permanent in nature, and all of which are to the plaintiff's great financial detriment and loss, the plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

131. As an additional result of the carelessness, negligence, and/or recklessness of defendant, plaintiff has suffered emotional injuries, along with the physical injuries suffered.

132. As a further result of the plaintiff's injuries, plaintiff has in the past, is presently, and may in the future, undergo a great loss of earnings and/or earning capacity, all to the plaintiff's further loss and detriment.

133. Furthermore, in addition to all the injuries and losses suffered by the plaintiff, plaintiff has also incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits pursuant to Act 57, for which plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXIV**  
**Etta Conover v. Simone Guy**  
**Personal Injury**

134. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

135. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking plaintiff;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;

- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Intentionally striking plaintiff multiple times;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or to maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;
- r. Failing to stop defendant's vehicle, when ordered to do so by Philadelphia police officers;
- s. Intentionally fleeing, at a high speed, from Philadelphia police officers, while being pursued;
- t. Assaulting the plaintiff with a motor vehicle, with complete disregard for the safety and well-being of the plaintiff; and

u. In other respects that may be pointed out at time of trial.

136. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the motor vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to determine whether defendant driver possessed a valid license or other requirements to drive and/or operate a motor vehicle;
- d. Failure to inspect defendant driver's prior history of bad driving;
- e. Failing to instruct defendant driver in the proper method of operating a motor vehicle;
- f. Failing to properly instruct the defendant driver on how to properly operate his motor vehicle and its warning apparatus in an emergency situation;
- g. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver were operating the motor vehicle at the aforesaid time and place as herein before described;
- h. Failing to maintain said vehicle in a safe condition; and,
- i. Allowing this dangerous, unsafe and defective motor vehicle to be operated on a public highway.

137. As a direct result of the negligent, careless, and/or reckless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function, and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

138. As a result of these injuries, all of which are permanent in nature, and all of which are to the plaintiff's great financial detriment and loss, the plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

139. As an additional result of the carelessness, negligence, and/or recklessness of defendant, plaintiff has suffered emotional injuries, along with the physical injuries suffered.

140. As a further result of the plaintiff's injuries, plaintiff has in the past, is presently, and may in the future, undergo a great loss of earnings and/or earning capacity, all to the plaintiff's further loss and detriment.

141. Furthermore, in addition to all the injuries and losses suffered by the plaintiff, plaintiff has also incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits pursuant to Act 57, for which plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the court deems necessary.



**COUNT XXV**  
**Etta Conover v. Commissioner Ramsey**  
**Personal Injury**

142. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

143. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;

- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

144. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;

- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

145. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicalgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

146. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

147. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

148. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

149. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXVI**  
**Etta Conover v. City of Philadelphia**  
**Personal Injury**

150. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

151. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;

- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

152. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;

- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;
- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

153. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

154. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

155. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

156. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

157. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXVII**  
**Etta Conover v. Officer Crystal Harris**  
**Personal Injury**

158. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

159. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;



- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

160. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

161. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicalgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

162. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

163. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

164. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

165. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXVIII**  
**Etta Conover v. Officer Charles Marable**  
**Personal Injury**

166. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

167. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

168. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

169. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicalgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

170. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

171. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

172. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

173. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXIX**  
**Etta Conover v. Philadelphia Police Department**  
**Personal Injury**

174. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

175. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;



- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

176. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

177. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicalgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

178. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

179. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

180. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

181. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXX**  
**Etta Conover v. John Doe 1-5**  
**Personal Injury**

182. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

183. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under “Directive 45;” and,
- t. In other respects that may be pointed out at time of trial.

184. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

185. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical disc herniations; lumbar disc protrusion; cervical and thoracic disc bulges; hand contusion; hand sprain and strain; cervical spine sprain and strain; cervicalgia; and any other ills and injuries all to the plaintiff's great loss and detriment.

186. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

187. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

188. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

189. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXXI**  
**Etta Conover v.**  
**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable,**  
**City of Philadelphia, and City of Philadelphia Police Department**  
**Section 1983**

190. While acting under the color of State Law, the defendants deprived the Plaintiff of various Federal and Constitutional Rights.

191. Plaintiff claims damages for the injuries set forth herein under 42 U.S.C. § 1983 against all defendants for violation of Plaintiff's Constitutional rights under Color of Law.

192. Defendants' failed to train, supervise and discipline its officers for violations of Directive 45.

193. Directive 45 was deliberately indifferent to the safety of the public causing unconstitutional harm to plaintiff.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.



**COUNT XXXII**

**Etta Conover v.**

**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable,  
City of Philadelphia, and City of Philadelphia Police Department  
Section 1983 - Substantive Due Process**

194. Defendant Officers' conduct, jointly and/or severally, was willful, reckless, grossly negligent in violation of the Constitution and deliberately indifferent to the life and safety of Plaintiff and/or shocking to the conscience.

195. Defendants' conduct constitutes a violation of the State and United States Constitution, and specifically to Plaintiff's right to personal security, to life, and liberty, and to be free from arbitrary government action which demonstrates a deliberate indifference to Plaintiff's life which shocks the conscience.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXXIII**

**Etta Conover v.**

**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable,  
City of Philadelphia, and City of Philadelphia Police Department  
Section 1983 - Supervisory Liability**

196. One or more of the Supervisory Defendants acted in a supervisory capacity, under circumstances and at a time when one or more of the Subordinate Defendants violated the Plaintiff's rights as set forth herein.

197. In that regard, the Supervisory Defendants, now known and unknown, either directed conduct which resulted in the violation of Plaintiff's Federal and State Rights as alleged, or had actual knowledge of the subordinates violation of Plaintiff's rights and acquiesced in said violations, or, with a deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused the violation of Plaintiff's rights or had a policy of maintaining no policy or regulations where same were clearly needed.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXXIV**  
**Etta Conover v. City of Philadelphia**  
**Section 1983 - Municipal/City Liability**

198. Prior to December 15, 2012 , Defendant, City of Philadelphia, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

199. It was also the policy and/or custom of Defendant, City of Philadelphia, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

200. The Defendant, City of Philadelphia, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

201. The Defendant, City of Philadelphia, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

202. As a result of the above described policies, customs and failure to adopt necessary and appropriate policies, police officers in the Defendant City of Philadelphia, including Defendants, believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXXV**  
**Etta Conover v. Philadelphia Police Department**  
**Section 1983 - Municipal/City Liability**

203. Prior to December 15, 2012, Defendant, Philadelphia Police Department, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

204. It was also the policy and/or custom of Defendant, Philadelphia Police Department, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

205. The Defendant, Philadelphia Police Department, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

206. The Defendant, Philadelphia Police Department, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

207. As a result of the above described policies and customs and failure to adopt necessary and appropriate policies, police officers in the Defendant, Philadelphia Police Department, including Defendants believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

208. Defendants failed to adopt an appropriate enforcement policy for Directive 45 causing Plaintiff's injuries to occur.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXXVI**

**Etta Conover v. Commissioner Charles Ramsey**  
**Section 1983 - Municipal/City Liability**

209. Prior to December 15, 2012, Defendant, Commissioner Charles Ramsey, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

210. It was also the policy and/or custom of Defendant, Philadelphia Police Department, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

211. The Defendant, Philadelphia Police Department, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

212. The Defendant, Philadelphia Police Department, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

213. As a result of the above described policies and customs and failure to adopt necessary and appropriate policies, police officers in the Defendant, Philadelphia Police Department, including Defendants believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

214. Defendants failed to adopt an appropriate enforcement policy for Directive 45 causing Plaintiff's injuries to occur.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XXXVII**  
**Tiera Barham v. James Scott**  
**Personal Injury**

215. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

216. The negligence, carelessness, and/or recklessness of defendant consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;

- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking plaintiff;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Intentionally striking plaintiff multiple times;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or to maintain defendant's vehicle in a safe and non-defective condition;

- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;
- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;
- r. Failing to stop defendant's vehicle, when ordered to do so by Philadelphia police officers;
- s. Intentionally fleeing, at a high speed, from Philadelphia police officers, while being pursued;
- t. Assaulting the plaintiff with a motor vehicle, with complete disregard for the safety and well-being of the plaintiff; and
- u. In other respects that may be pointed out at time of trial.

217. As a direct result of the negligent, careless, and/or reckless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function, and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

218. As a result of these injuries, all of which are permanent in nature, and all of which are to the plaintiff's great financial detriment and loss, the plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

219. As an additional result of the carelessness, negligence, and/or recklessness of defendant, plaintiff has suffered emotional injuries, along with the physical injuries suffered.

220. As a further result of the plaintiff's injuries, plaintiff has in the past, is presently, and may in the future, undergo a great loss of earnings and/or earning capacity, all to the plaintiff's further loss and detriment.

221. Furthermore, in addition to all the injuries and losses suffered by the plaintiff, plaintiff has also incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits pursuant to Act 57, for which plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXXVIII**  
**Tiera Barham v. Simone Guy**  
**Personal Injury**

222. Plaintiff incorporates herein the allegations set forth in the aforementioned paragraphs, inclusive, as if set forth here at length.

223. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent striking plaintiff;



- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;
- e. Operating said vehicle at a dangerous and excessive rate of speed under the circumstance;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of defendant's vehicle;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Intentionally striking plaintiff multiple times;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or to maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;
- r. Failing to stop defendant's vehicle, when ordered to do so by Philadelphia police officers;
- s. Intentionally fleeing, at a high speed, from Philadelphia police officers, while being pursued;
- t. Assaulting the plaintiff with a motor vehicle, with complete disregard for the safety and well-being of the plaintiff; and
- u. In other respects that may be pointed out at time of trial.

224. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the motor vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to determine whether defendant driver possessed a valid license or other requirements to drive and/or operate a motor vehicle;
- d. Failure to inspect defendant driver's prior history of bad driving;
- e. Failing to instruct defendant driver in the proper method of operating a motor vehicle;
- f. Failing to properly instruct the defendant driver on how to properly operate his motor vehicle and its warning apparatus in an emergency situation;

- g. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver were operating the motor vehicle at the aforesaid time and place as herein before described;
- h. Failing to maintain said vehicle in a safe condition; and,
- i. Allowing this dangerous, unsafe and defective motor vehicle to be operated on a public highway.

225. As a direct result of the negligent, careless, and/or reckless conduct of defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function, and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

226. As a result of these injuries, all of which are permanent in nature, and all of which are to the plaintiff's great financial detriment and loss, the plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

227. As an additional result of the carelessness, negligence, and/or recklessness of defendant, plaintiff has suffered emotional injuries, along with the physical injuries suffered.

228. As a further result of the plaintiff's injuries, plaintiff has in the past, is presently, and may in the future, undergo a great loss of earnings and/or earning capacity, all to the plaintiff's further loss and detriment.

229. Furthermore, in addition to all the injuries and losses suffered by the plaintiff, plaintiff has also incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits pursuant to Act 57, for which plaintiff makes a claim for payment in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XXXIX**  
**Tiera Barham v. Commissioner Ramsey**  
**Personal Injury**

230. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

231. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

232. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

233. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

234. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

235. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

236. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

237. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XL**  
**Tiera Barham v. City of Philadelphia**  
**Personal Injury**

238. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

239. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;



- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

240. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

241. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

242. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

243. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

244. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

245. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XLI**  
**Tiera Barham v. Officer Crystal Harris**  
**Personal Injury**

246. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

247. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

248. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

249. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

250. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

251. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

252. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

253. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XLII**  
**Tiera Barham v. Officer Charles Marable**  
**Personal Injury**

254. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

255. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;



- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under “Directive 45;” and,
- t. In other respects that may be pointed out at time of trial.

256. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

257. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

258. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

259. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

260. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

261. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XLIII**  
**Tiera Barham v. Philadelphia Police Department**  
**Personal Injury**

262. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

263. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;

- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under "Directive 45;" and,
- t. In other respects that may be pointed out at time of trial.

264. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

265. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

266. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

267. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

268. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

269. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XLIV**  
**Tiera Barham v. John Doe 1-5**  
**Personal Injury**

270. Plaintiff incorporates by reference all the allegations contained in the above paragraphs as if the same were set forth below at length.

271. The negligence, carelessness, and/or recklessness of defendant, acting individually and/or by and through agents, servants, workmen, and/or employees, consisted of the following:

- a. Operating a motor vehicle in a negligent, careless, and/or reckless manner without regard for the rights or safety of plaintiff or others;
- b. Failing to have said vehicle under proper and adequate control;
- c. Failing to observe the position of the plaintiff and to take such action as was necessary to prevent a foreseeable collision involving the plaintiff and defendant, James Scott;
- d. Failing to operate a motor vehicle at a speed which would allow defendant to stop within an assured clear distance;



- e. Operating said vehicle at a dangerous and excessive rate of speed, under the circumstances;
- f. Being inattentive to defendant's duties as an operator of a motor vehicle;
- g. Disregarding traffic lanes, patterns, and other devices;
- h. Failing to keep an adequate distance from vehicles in the vicinity of the defendant's vehicle and from vehicles in the vicinity of the vehicle being pursued;
- i. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- j. Failing to give the plaintiff meaningful warning signs concerning the impending incident;
- k. Failing to exercise ordinary care to avoid injuring plaintiff;
- l. Failing to be highly vigilant and maintain sufficient control of said vehicle;
- m. Pursuing the defendant, James Scott, in a manner that caused the defendant, James Scott, to strike the plaintiff;
- n. Operating a motor vehicle with disregard for the rights, safety, and proximity of plaintiff, even though defendant was aware, or should have been aware of plaintiff's presence and the threat of harm posed to plaintiff;
- o. Failing to inspect defendant's vehicle or maintain defendant's vehicle in a safe and non-defective condition;
- p. Allowing a dangerous, unsafe, and defective motor vehicle to be operated on a public highway;

- q. Failing to operate a motor vehicle in compliance with the applicable laws and ordinances of the City and County of Philadelphia and the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of police motor vehicles;
- r. Failing to observe and implement the policy, accepted practice, and/or evaluation of whether the value of the apprehension of a suspect outweighs the level of danger created in the pursuit and regarding when officers may engage in high speed pursuit chases;
- s. Failure to adhere to and obey actions under “Directive 45;” and,
- t. In other respects that may be pointed out at time of trial.

272. The negligence, carelessness, and/or recklessness of defendant further consisted of the following:

- a. Permitting an incompetent driver to operate the vehicle;
- b. Failing to determine whether defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- c. Failing to instruct defendant driver in the proper method of operating a motor vehicle and/or properly train in accordance with either reasonably accepted pursuit guidelines and/or practices or their respective pursuit policies;
- d. Failing to properly instruct the defendant driver on how to properly operate the vehicle, specifically a police vehicle, and its warning apparatus in an emergency situation;

- e. Failing, as defendant driver's authority, to control defendant driver's conduct in regard to the manner in which defendant driver was operating the vehicle at the aforesaid time and place, as herein before described; and,
- f. Allowing this dangerous, unsafe, and defective motor vehicle to be operated on a public highway.

273. As a direct result of the negligent, careless, and/or reckless conduct of the defendant, the plaintiff suffered various serious and permanent personal injuries, serious impairment of body function and/or permanent serious disfigurement, and/or aggravation of pre-existing conditions, including, but not limited to: cervical spine sprain and strain; thoracic spine sprain and strain; and lumbar spine sprain and strain; right shoulder sprain and strain; and any other ills and injuries all to the plaintiff's great loss and detriment.

274. As a result of these injuries, all of which are permanent in nature and all of which are to plaintiff's great financial detriment and loss, plaintiff has in the past, is presently, and may in the future suffer great pain, anguish, sickness, and agony and will continue to suffer for an indefinite time into the future.

275. As an additional result of the carelessness, negligence, and/or recklessness of the defendant, plaintiff has suffered emotional injuries along with the physical injuries suffered.

276. As a further result of the injuries sustained, the plaintiff has, is presently, and may in the future undergo a great loss of earnings and/or earning capacity, all to plaintiff's further loss and detriment.

277. Furthermore, in addition to all the injuries and losses suffered, the plaintiff has incurred or will incur medical, rehabilitative, and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits required by the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S. § 1701, et. seq., as amended, and/or Worker's Compensation Benefits, pursuant to Act 57, for which plaintiff makes claim for in the present action.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs, and any other relief the courts deems necessary.

**COUNT XLV**  
**Tiera Barham v.**  
**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable,**  
**City of Philadelphia, and City of Philadelphia Police Department**  
**Section 1983**

278. While acting under the color of State Law, the defendants deprived the Plaintiff of various Federal and Constitutional Rights.

279. Plaintiff claims damages for the injuries set forth herein under 42 U.S.C. § 1983 against all defendants for violation of Plaintiff's Constitutional rights under Color of Law.

280. Defendants' failed to train, supervise and discipline its officers for violations of Directive 45.

281. Directive 45 was deliberately indifferent to the safety of the public causing unconstitutional harm to plaintiff.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XLVI**

**Tiera Barham v.**

**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable,  
City of Philadelphia, and City of Philadelphia Police Department  
Section 1983 - Substantive Due Process**

282. Defendant Officers' conduct, jointly and/or severally, was willful, reckless, grossly negligent in violation of the Constitution and deliberately indifferent to the life and safety of Plaintiff and/or shocking to the conscience.

283. Defendants' conduct constitutes a violation of the State and United States Constitution, and specifically to Plaintiff's right to personal security, to life, and liberty, and to be free from arbitrary government action which demonstrates a deliberate indifference to Plaintiff's life which shocks the conscience.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XLVII**

**Tiera Barham v.**

**Commissioner Charles Ramsey, Officer Crystal Harris, Officer Charles Marable,  
City of Philadelphia, and City of Philadelphia Police Department  
Section 1983 - Supervisory Liability**

284. One or more of the Supervisory Defendants acted in a supervisory capacity, under circumstances and at a time when one or more of the Subordinate Defendants violated the Plaintiff's rights as set forth herein.

285. In that regard, the Supervisory Defendants, now known and unknown, either directed conduct which resulted in the violation of Plaintiff's Federal and State Rights as alleged, or had actual knowledge of the subordinates violation of Plaintiff's rights and acquiesced in said violations, or, with a deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused the violation of Plaintiff's rights or had a policy of maintaining no policy or regulations where same were clearly needed.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XLVIII**  
**Tiera Barham v. City of Philadelphia**  
**Section 1983 - Municipal/City Liability**

286. Prior to December 15, 2012 , Defendant, City of Philadelphia, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

287. It was also the policy and/or custom of Defendant, City of Philadelphia, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

288. The Defendant, City of Philadelphia, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

289. The Defendant, City of Philadelphia, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

290. As a result of the above described policies, customs and failure to adopt necessary and appropriate policies, police officers in the Defendant City of Philadelphia, including Defendants, believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT XLIX**  
**Tiera Barham v. Philadelphia Police Department**  
**Section 1983 - Municipal/City Liability**

291. Prior to December 15, 2012, Defendant, Philadelphia Police Department, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

292. It was also the policy and/or custom of Defendant, Philadelphia Police Department, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.

293. The Defendant, Philadelphia Police Department, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

294. The Defendant, Philadelphia Police Department, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

295. As a result of the above described policies and customs and failure to adopt necessary and appropriate policies, police officers in the Defendant, Philadelphia Police Department, including Defendants believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

296. Defendants failed to adopt an appropriate enforcement policy for Directive 45 causing Plaintiff's injuries to occur.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT L**

**Tiera Barham v. Commissioner Charles Ramsey**  
**Section 1983 - Municipal/City Liability**

297. Prior to December 15, 2012, Defendant, Commissioner Charles Ramsey, developed and maintained policies or customs exhibiting deliberate indifference to the Constitutional rights of persons in the City of Philadelphia, which caused violation of the Plaintiff's Constitutional Rights.

298. It was also the policy and/or custom of Defendant, Philadelphia Police Department, to inadequately screen during the hiring process and/or to inadequately train, re-train and supervise its police officers, including Defendant police officers, thereby failing to adequately discourage further Constitutional violations on the part of its police force in general and Defendant officers in particular.



299. The Defendant, Philadelphia Police Department, did not require or demand appropriate in-service training or re-training of officers who were known to have engaged in unsafe acts, police misconduct or who were known to encourage or tolerate the same.

300. The Defendant, Philadelphia Police Department, also did not adopt needed policies designed to avoid the Constitutional violations referred to herein.

301. As a result of the above described policies and customs and failure to adopt necessary and appropriate policies, police officers in the Defendant, Philadelphia Police Department, including Defendants believed that their actions would not be monitored by supervisory officers and that unsafe acts and misconduct would not be investigated or result in sanctions, but would be tolerated.

302. Defendants failed to adopt an appropriate enforcement policy for Directive 45 causing Plaintiff's injuries to occur.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus all reasonable attorney's fees, costs and any other relief the court deems necessary.

**COUNT LI**

**Roger Dennis & Etta Conover & Tiera Barham v.  
James Scott, Simone Guy,  
Commissioner Ramsey, Officer Crystal Harris, Officer Charles Marable, City of  
Philadelphia, Philadelphia Police Department, & John Doe 1-5  
Jointly and/or Severally**

303. Plaintiff incorporates all the allegations set forth in the previous paragraphs, inclusive, as if set forth at length.

304. The facts set forth herein establish that defendants are individually, jointly and/or severally liable to plaintiff for plaintiff's injuries and damages. Accordingly, the Comparative Negligence Act, 42 Pa.C.S.A. §7102 applies to the nature and effect of plaintiff's action upon said defendants.

**WHEREFORE**, plaintiff demands judgment in plaintiff's favor and against defendants individually, jointly and/or severally, in an amount in excess of Fifty Thousand (\$50,000.00), exclusive of interest and costs of suit.

**SPEAR, GREENFIELD & RICHMAN, P.C.**




**BY: MARC F. GREENFIELD, ESQUIRE**

**INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS,  
SUPPLEMENTAL REQUESTS AND REQUEST FOR ADMISSIONS ARE SERVED  
ATTACHED TO PLAINTIFF'S COMPLAINT AT THE TIME SERVICE OF ORIGINAL  
PROCESS IS AND WAS EFFECTUATED.**  
mcp/ebr

VERIFICATION

The undersigned, plaintiff in this action, verifies that the within pleading is based upon information furnished to counsel, which has been gathered by counsel in the preparation of this lawsuit. The language of the attached pleading is that of counsel and not of signor. Signor verifies that the within pleading, as prepared by counsel, is true and correct to the best of signor's knowledge, information and belief. To the extent that the contents of the within pleading are that of counsel, signor has relied upon counsel in taking this verification.

This verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script, appearing to read "J. M. Caprice", written over a horizontal line.